

FEB. 10. 2004 1:58PM

NIXON PEABODY

RECEIVED  
CENTRAL FAX CENTER

NO. 0207 P. 4/8

FEB 10 2004

OFFICIAL

Docket No. 031884-001000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Guoping ZHANG

Examiner: Fetzner, Tiffany

Serial No.: 09/852,033

Art Unit: 2859

Filed: May 10, 2001

Confirmation No.: 7868

For: MAGNETIC RESONANCE IMAGING  
SEQUENCE DESIGNER

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 308-6916, on February 10, 2004.

*Angeline Graham*  
Angeline Graham

**PETITION, UNDER 37 C.F.R. 1.78(a)(6),  
FOR THE ACCEPTANCE OF A LATE CLAIM  
FOR PRIORITY, UNDER 35 U.S.C. § 119(e),  
TO PROVISIONAL APPLICATION SERIAL NO. 60/203,326**

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Petitioner requests that the claim for priority, under 35 U.S.C. § 119(e), set forth in the attached Application Data Sheet be accepted under the unintentional delay provisions of 37 C.F.R. 1.78(a)(6). In support of this request, the Petitioner states that the entire delay between the date the claim for priority was due under 37 C.F.R. 1.78(a)(5), i.e., sixteen months from the filing date of May 11, 2000 of Provisional Application 60/203,326 which was September 11, 2001, and the date of filing the instant Petition and Application Data Sheet was unintentional.

02/10/2004 QUELLEY 00000001 102300 09052033

01 FEB 10 2004 1:58 PM

Application No. 09/852,033

Docket No. 031884-001000

Page - 2 -

That is, a the instant Application reveals that the failure to set forth a timely claim for priority, under § 119(e), occurred due to the failure to set forth a § 119(e) claim at any time prior to the due date for making such a claim, i.e. September 11, 2001 (see the attached copy of the Application Data Sheet and executed Declaration from the instant Application). Further, the Applicant was unaware of this failure until such was brought to the attention of the undersigned as a result of a telephone conference with Examiner Fetzner on February 3, 2004. For this reason, the delay in making the claim for priority, under § 119(e), was unintentional.

In accordance with the provisions of 37 C.F.R. 1.78(a)(6), the surcharge fee of \$1330.00, set forth in 37 C.F.R. 1.17(t), should be charged to Deposit Account No. 19-2380 (031884-001000). Further, any overage or shortage in the required payment, should be credited or applied to Deposit Account No. 19-2380 (031884-001000).

Respectfully submitted,

By: 

Raymond Van Dyke

Registration No. 34,746

NIXON PEABODY, LLP  
401 9<sup>th</sup> Street, NW, Suite 900  
Washington, DC 20004-2128  
(202) 585-8000  
(202) 585-8080 facsimile

RVD/JWM